

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MICHAEL W. MAYERHOFER,

Petitioner,

-against-

9:02-CV-0074
(LEK/VEB)

FLOYD BENNETT,

Respondent.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on April 06, 2007, by the Honorable Victor E. Bianchini, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 39).

Within ten days, excluding weekends and holidays, after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," FED. R. CIV. P. 72(b), in compliance with L.R. 72.1. No objections have been raised in the allotted time with respect to Judge Bianchini's Report-Recommendation. Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

Accordingly, it is hereby

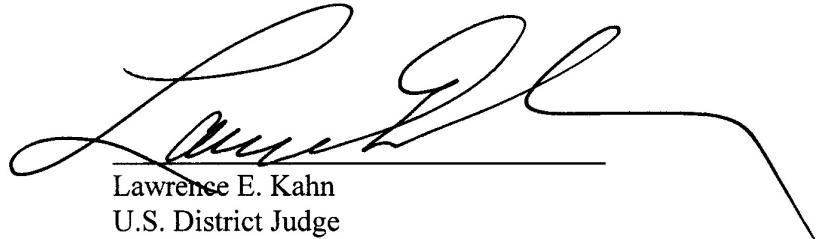
ORDERED, that the Report-Recommendation (Dkt. No. 39) is **APPROVED** and
ADOPTED in its **ENTIRETY**; and it is further

ORDERED, that Petitioner's amended Petition (Dkt. No. 28) for a writ of habeas corpus

pursuant to 28 U.S.C. § 2254 is **DENIED** and **DISMISSED**; and it is further
ORDERED, that a certificate of appealability is not issued; and it is further
ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: June 06, 2007
Albany, New York



The image shows a handwritten signature in black ink, appearing to read "Lawrence E. Kahn". Below the signature, the name "Lawrence E. Kahn" is printed in a standard font, followed by "U.S. District Judge".